

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**OPTICAL DATA THROUGHPUT PROTECTION SWITCH**

the specification of which

is attached hereto.

was filed on \_\_\_\_\_

as U.S. Application Serial No. \_\_\_\_\_

was filed on \_\_\_\_\_

as PCT International Application No. \_\_\_\_\_

and (if applicable) was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §§1.56(a) and (b), which state:

"(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

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I hereby claim foreign priority benefits under 35 United States Code, §119 and/or §365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing of this application:

PRIOR FOREIGN APPLICATION(S)

I hereby claim the benefit under 35 United States Code, §119(e) of any United States provisional application(s) listed below:

Application Number Filing Date

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

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(day/month/year)      (pending, abandoned, granted)

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MATTHEW M. ROY (Reg. No. 48,074)  
ELLIOTT S. SIMCOE (Reg. No. P-50,010)

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1) INVENTOR'S SIGNATURE: Simon Parry Date: 26 OCT 2001

Inventor's Name: Simon P. Parry  
*(First)* *(Middle)* *(Family Name)*

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*(City, Province, Country)*

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2) INVENTOR'S SIGNATURE: \_\_\_\_\_ Date: \_\_\_\_\_

Inventor's Name: David W. Brown  
*(First)* *(Middle)* *(Family Name)*

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Residence: Ottawa, Ontario, Canada  
*(City, Province, Country)*

Post Office Address: 1103 - 420 Gloucester St., Ottawa, Ontario, Canada K1R 7T7

3) INVENTOR'S SIGNATURE: \_\_\_\_\_ Date: \_\_\_\_\_

Inventor's Name: Bhupendra Patel  
*(First)* *(Middle)* *(Family Name)*

Country of Citizenship: CANADA

Residence: Aylmer, Quebec, Canada  
*(City, Province, Country)*

Post Office Address: 205 Des Mariniers, Aylmer, Quebec, Canada J9J 2N9

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APR 12 1991  
U.S. PATENT AND TRADEMARK OFFICE  
CUST. SER. NO. 000293  
REG. NO. 26868

- 4 -

1) INVENTOR'S SIGNATURE: \_\_\_\_\_ Date: \_\_\_\_\_

Inventor's Name: Simon P. Parry  
(First) (Middle) (Family Name)Country of Citizenship: UNITED KINGDOMResidence: Harlow, Essex, United Kingdom  
(City, Province, Country)Post Office Address: 2 Kingston Cottages, Matching Green, Harlow, Essex, CM17 0PS, United Kingdom2) INVENTOR'S SIGNATURE: David Brown Date: December 1, 2001Inventor's Name: David W. Brown  
(First) (Middle) (Family Name)Country of Citizenship: CANADAResidence: Ottawa, Ontario, Canada  
(City, Province, Country)Post Office Address: 1103 - 420 Gloucester St., Ottawa, Ontario, Canada K1R 7T7

3) INVENTOR'S SIGNATURE: \_\_\_\_\_ Date: \_\_\_\_\_

Inventor's Name: Bhupendra P. Patel  
(First) (Middle) (Family Name)Country of Citizenship: CANADAResidence: Aylmer, Quebec, Canada  
(City, Province, Country)Post Office Address: 205 Des Mariniers, Aylmer, Quebec, Canada J9J 2N9

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1) INVENTOR'S SIGNATURE: \_\_\_\_\_ Date: \_\_\_\_\_

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2) INVENTOR'S SIGNATURE: \_\_\_\_\_ Date: \_\_\_\_\_

Inventor's Name: David W. Brown  
(First) (Middle) (Family Name)

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Residence: Ottawa, Ontario, Canada  
(City, Province, Country)

Post Office Address: 1103 - 420 Gloucester St., Ottawa, Ontario, Canada K1R 7T7

3) INVENTOR'S SIGNATURE: Patel Date: Oct 24, 2001

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(First) (Middle) (Family Name)

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